

# UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 18, 2020**

SEAN F. McAVOY, CLERK

U.S.A. vs.

Valencia, Miguel

Docket No.

1:19CR02061-SAB-1

## **Petition for Action on Conditions of Pretrial Release**

COMES NOW Linda Leavitt, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant, Miguel Valencia, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke sitting in the court at Yakima, Washington, on the 18<sup>th</sup> day of December 2019, under the following conditions:

**Special Condition #1:** Defendant shall submit to a substance abuse evaluation and undergo any recommended substance abuse treatment as directed by the United States Probation/Pretrial Services Office.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

**Violation #1:** Miguel Valencia is alleged of being in violation of his conditions of pretrial release by being suspended from chemical dependency treatment at Merit Resources Services from March 5, until March 23, 2020, due to his behavior.

On December 19, 2019, the conditions of pretrial release supervision were reviewed and signed by Mr. Valencia. He acknowledged an understanding of his conditions, which included special condition number 1.

On February 20, 2020, this officer attended (via telephone) a clinical staffing with Merit Resource Services (Merit) in Sunnyside, Washington, due to reports of the defendant having behavior issues while attending group. After the staffing, the defendant signed a behavior contract with Merit. Number 2 of the contract states: Therapeutic Goal: "to attend all scheduled group and individual sessions and no cell phones and to come to group on time."

On March 4, 2020, this officer received a call from the clinical director at Merit in Sunnyside. She advised during group on the evening of March 3, 2020, the defendant got into a verbal argument with a classmate and was being "disrespectful, interrupting and making fun of a group member while they were presenting." The clinical director stated the defendant has been working with two counselors at Merit and both have shared their concerns surrounding the defendant's behavior while in group.

This officer sent a text message to the defendant this same date asking what had occurred. The defendant responded with the following: "Have no idea yesterday there was some laughing during someone's discussion about teeth and some older lady with no teeth, for some reason thought I was laughing at her and she blew up on me but there was more than 5 individuals laughing as well." The defendant stated he was going to go to his group this date and speak to his counselor regarding what occurred. This officer directed the defendant to report to the probation office on Thursday, March 5, 2020.

On March 5, 2020, this officer received another call from the clinical director at Merit who stated the defendant missed his individual session with his counselor on March 4, 2020, at 3 p.m. The director also stated while in group, the defendant wanted to talk about what occurred in group on March 3, 2020. The director stated the defendant was told this conversation needed to be addressed with his counselor during an individual session and not during group. The director stated the defendant continued to interrupt group asking why he had been "singled out." The director stated the counselor then left the room to see if any late group members were in the lobby waiting to enter group. The director stated the defendant then walked out of the classroom and told his counselor he was leaving as he "needed to get ready to go to jail." The director stated this was approximately 10 minutes after group started, and it would be counted as a no-show.

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On March 5, 2020, this officer was contacted by the clinical director at Merit who advised the defendant's case was staffed and he was suspended from any type of treatment groups at Merit until March 23, 2020; however, in order for him to return to Merit, he would need to write a letter of apology to Merit staff and to his group. The clinical director stated the defendant would need to share it before the group and staff upon his return.

On March 5, 2020, this officer made contact with the defendant and directed him to report to the office. The defendant reported as directed. This officer confronted the defendant about his behavior and the above information received. The defendant admitted he was wrong and agreed to write the letter of apology and present it to his group and Merit staff on March 23, 2020, as required.

On March 18, 2020, this officer made telephone contact with the clinical director at Merit. She confirmed the defendant submitted his letter of apology and will present it to the group on March 23, 2020. She confirmed the defendant will be welcomed back into group; however, she advised if the defendant continues to have issues while at their facility, they will terminate him indefinitely.

PRAYING THAT THE COURT WILL TAKE NO ACTION AT THIS TIME

I declare under the penalty of perjury  
that the foregoing is true and correct.

Executed March 18, 2020

by s/Linda Leavitt

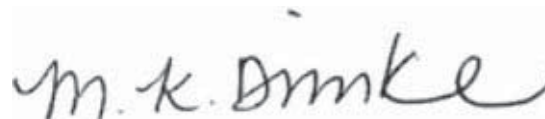

Linda Leavitt  
U.S. Pretrial Services Officer

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#### THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other

Signature of Judicial Officer

3/18/2020

Date